

interchangeable in the sense that one may be substituted in place of the other. This interchangeability is likewise clear from FIGS. 1 and 3. Accordingly, Applicants respectfully submit that claims 45 and 46 do comply with the written description requirement, and request that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 29-35 and 37-48 are rejected under 35 U.S.C. § 102(b) as being anticipated by Heintzelman. Independent claim 29 recites "the auxiliary combustion cavity sized to substantially protect the ignition source from fluid movement within the combustion chamber and cause at least a portion of the dilute combustion mixture adjacent the ignition source to be substantially quiescent." Independent claim 35 includes a similar limitation. Although Heintzelman makes no mention of the size of the auxiliary combustion cavity, much less that the auxiliary combustion cavity is sized to cause at least a portion of the dilute combustion mixture adjacent the ignition source to be substantially quiescent, it is argued that "since the instant invention does not distinguish over the cited prior art references structurally as well as functionally, such limitation would be inherent." Applicants respectfully submit that Heintzelman fails to teach each and every limitation of the claims, and that the feature of the size of the auxiliary combustion chamber is not inherent in Heintzelman.

"In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990) (emphasis in original). The argument that because Heintzelman includes an auxiliary combustion cavity it must inherently be sized to cause at least a portion of the dilute combustion mixture adjacent the ignition source to be substantially quiescent fails, because it does not show that the size necessarily flows from the teachings Heintzelman. Furthermore, "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." MPEP § 2112 (emphasis in original). See also *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993).

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Accordingly, it has not been shown that the features lacking in Heintzelman are inherent. Therefore, Heintzelman fails to anticipate any of claims 29-35 and 37-48, and Applicants respectfully requests withdrawal of the rejections under 35 U.S.C. § 102(b).

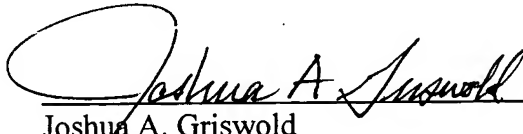
Conclusion

In view of the above, and for other reasons clearly apparent, Applicants respectfully submit that the Application is in condition for allowance, and request such a notice. If the present Application is not allowed and/or if one or more of the rejections is maintained or made final, Applicants hereby requests a telephone conference with the Examiner and further requests that the Examiner contact the undersigned attorney to schedule a telephone conference.

Enclosed is a \$120.00 check for the Petition for One-Month Extension of Time fee. Please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,

Date: March 2, 2006


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